THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

W.P.NO.21167 OF 1994

04-01-2006

Between:

Sangram(died) through his G.P.A. and another

Petitioners

And

The Addl. Revenue Divisional Officer and others

Respondents

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

W.P.NO.21167 OF 1994

ORDER:

This writ petition is filed seeking, a direction by way of Writ of Mandamus to the respondent No.1 to rectify the mistakes occurred in the declaration filed by the petitioner under the provisions of A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short 'the Act').

During pendency of the writ petition, the petitioner died and his legal heir came on record as second petitioner, in view of the order passed in W.P.M.P.No.18663 of 2005, dated 1-7-2005.

It is the case of the petitioner, that he has shown in his declaration as owner of the land to an extent of 80 acres in Survey Nos.14, 42, 89, 99, 51, 53, 254, 292, 554, 719, 954, and 959 of Bichkonda Village and Survey Nos.11,14,29,30,32,37,39,55,71,92 and 101 of Malkapur Village of Nizambad District, but, however, he is the owner only to the half of the extent of 80 acres of land. It is his case. that while filing declaration, mistakenly, the entire extents were shown, as if he was the owner of the entire land covered by the said Survey numbers. Subsequently, he filed representation, before the competent authority on 26-11-1994 under Rule 16 (5) (b) of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Rules, 1974. Precisely, it is his case, that asmuch as wrong particulars were furnished by him on account of mistake on his part, as such, said mistakes are to be rectified, and, in view of the same, he filed representation dated 26-11-1994.

It is fairly admitted by the learned counsel for the petitioner, that consequent to the filing of declaration, under the Provisions of the Act, and, even before filing the representation on 26-11-1994, final orders were already, passed by the competent authority determining the holding of the petitioner-declarant herein.

Rule 16(5) (b) of the Rules confers powers to the competent authority, Tribunal or the Appellate Tribunal, to correct any clerical or arithmetical, mistakes in judgments or errors, arising therein from any accidental slip or omission, either of its motion or on the application of the parties.

It is not in dispute that petitioner has himself shown him as the owner of the entire extent of land covered by survey numbers, as referred above, in the declaration. Basing on the particulars furnished by the petitioner, enquiry was conducted, and, the competent authority has passed the final orders determining the holding of the petitioner-declarant. The competent authority has acted upon the declaration and then passed the final orders. At this stage, the petitioner cannot seek any rectification, by way of any representation as submitted on 26-11-1994. As much as final orders are passed by the competent authority, basing on the information furnished by the petitioner, only remedy available to the petitioner is, either to carry the matter in appeal, or, to file appropriate application seeking review of the final order, but, however, at this stage, he cannot seek rectification of the information, furnished in the declaration itself.

Though it is submitted by the learned counsel for the petitioner, that if the said mistake is not rectified, the same will result in total deprivation of the land to the petitioner, but, however, it is to be seen, the very relief sought in this writ petition is misconceived, and, no relief can be granted to the petitioner in this writ petition. In that view of the matter, there is no other option to this court, except to reject the relief to the petitioner in the writ petition, by keeping open to the petitioner to take appropriate steps available under law.

Subject to the above observation, the writ petition is dismissed. No order as to costs.

JUSTICE R.SUBHASH REDDY

04th January, 2006

Stp/Msnr